

REMARKS/ARGUMENTS

Claims 1-53 are pending in this patent application. Claims 32-44 are withdrawn. Claims 1-31 and 45-53 currently stand rejected. Claims 1, 10 and 45 have been amended. A new claim 54 has been added. The amendment to claim 1 and the new claim 54 are supported at least by paragraph [0089] of the specification of the current application. The amendments to claims 10 and 45 are supported at least by paragraph [0040] of the specification of the current application. Accordingly, no new matter has been introduced by this response.

CLAIM REJECTIONS UNDER 35 USC § 103

Claims 1-14, 23/(10) [sic] and 45-52 stand rejected as being obvious over Pourahmadi (US20020055167) or Anderson (US20010036672) in view of Levine (US6031286). Claims 15-22, 23/(17,22) [sic] and 24 are rejected as being obvious over Pourahmadi in view of Levine and further in view of Freeman (US6653124). Claims 25-31 stand rejected as being obvious over Pourahmadi in view of Levine and Freeman and further in view of Kaplan (US6453928) and/or Webster (US6521188). Claim 53 is rejected as being obvious over Pourahmadi in view of Levine and further in view of McDevitt (US20030064422).

Applicants have carefully considered the Examiner's reasoning and respectfully disagree. However, in order to advance the prosecution of the current application, Applicants have amended claim 1 and added a new claim 54 to recite that the buried channel is approximately 200 μm wide by 150 μm deep. Applicants have further amended claims 10 and 45 to recite that the buried channel is "underneath" the pre-treatment channel. Applicants believe that none of these features is disclosed or rendered obvious by the references cited in the office action. Accordingly, Applicants submit that the claims are now in condition for allowance and respectfully request that the Examiner grant such an action.

DOUBLE PATENTING

Claims 1, 3, 4, 6, and 7 remain provisionally rejected for obviousness-type double patenting over co-pending application 09/874382 (6/4/01). Similarly, claims 1, 3-7 and 10-13 remain rejected over 11/017272 (11/20/04), claims 1, 6, 7 are rejected over 11/009171 (10/10/04), and

claims 1-3, 5-7, 10-14 and 45-49 are rejected over 11/092415 (03/29/05). Each of these applications was filed after the first US filing date of the current application (09/545,260, filed 4/7/00). Therefore, Applicants maintain their position that any rejection based on provisional obviousness-type double patenting should be directed to the later filed application(s), instead of to the current application. Accordingly, Applicants respectfully request withdrawal of the double patenting rejection. However, if deemed absolutely necessary, Applicant may file a terminal disclaimer on notification of allowable subject matter.

CONCLUSION

Applicants have addressed all of the Examiner's rejections. Applicants believe that the claims are now in condition for allowance and respectfully request that the Examiner grant such action. If any questions or issues remain in the resolution of which the Examiner feels will be advanced by a conference with the Applicants' attorney, the Examiner is invited to contact the attorney at the number noted below. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-3420 reference 31175803-004001 (Valoir).

Dated: January 15, 2008

Respectfully submitted,

By /Tamsen Valoir/

Tamsen Valoir, Ph.D.

Registration No.: 41,417

BAKER & MCKENZIE LLP

Pennzoil Place, South Tower

711 Louisiana, Suite 3400

Houston, Texas 77002-2746

(713) 427-5007

Attorney For Applicants